




Gregg  
Worley/R4/USEPA/US  
03/27/2012 05:17 PM

To Keri Powell/R4/USEPA/US@EPA,  
cc Dick DuBose/R4/USEPA/US@EPA, Kathleen  
Forney/R4/USEPA/US@EPA, ScottR  
Davis/R4/USEPA/US@EPA, Shanieka  
Pennamon/R4/USEPA/US@EPA  
bcc  
Subject Re: Fw: Call From TDEC's counsel re AGC's Construction  
Permit 

Keri,

# Deliberative Process / Ex. 5

Gregg

Gregg M. Worley  
Chief, Air Permits Section  
U.S. EPA Region 4  
(404) 562-9141  
fax (404) 562-9019

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Keri Powell---03/27/2012 10:50:54 AM---Gregg--in this instance, we have a situation where the plant "re...

From: Keri Powell/R4/USEPA/US  
To: Gregg Worley/R4/USEPA/US@EPA  
Cc: Dick DuBose/R4/USEPA/US@EPA, Kathleen Forney/R4/USEPA/US@EPA, ScottR  
Davis/R4/USEPA/US@EPA, Shanieka Pennamon/R4/USEPA/US@EPA  
Date: 03/27/2012 10:50 AM  
Subject: Re: Fw: Call From TDEC's counsel re AGC's Construction Permit

# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

-----Gregg Worley/R4/USEPA/US wrote: -----

To: Shanieka Pennamon/R4/USEPA/US@EPA

From: Gregg Worley/R4/USEPA/US

Date: 03/27/2012 09:11AM

Cc: Dick DuBose/R4/USEPA/US@EPA, Kathleen Forney/R4/USEPA/US@EPA, Keri

Powell/R4/USEPA/US@EPA, ScottR Davis/R4/USEPA/US@EPA

Subject: Re: Fw: Call From TDEC's counsel re AGC's Construction Permit

# Deliberative Process / Ex. 5

Gregg

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Shanieka Pennamon---03/27/2012 08:42:39 AM---Katy, Below is DOJ's review (E. Anderson) of her discussion with TDEC about permitting. TDEC would

From: Shanieka Pennamon/R4/USEPA/US  
To: Kathleen Forney/R4/USEPA/US@EPA  
Cc: Gregg Worley/R4/USEPA/US@EPA, Dick DuBose/R4/USEPA/US@EPA  
Date: 03/27/2012 08:42 AM  
Subject: Fw: Call From TDEC's counsel re AGC's Construction Permit

Katy,

# Deliberative Process / Ex. 5

[attachment "Construction Permit Application dated January 13, 2012 for glass furnace 1.pdf" deleted by Gregg Worley/R4/USEPA/US] [attachment "Construction Permit Application dated January 13, 2012 Resision.pdf" deleted by Gregg Worley/R4/USEPA/US]

Shanieka Pennamon, P.E.  
U.S. Environmental Protection Agency  
Air Pesticides and Toxics Management Division  
61 Forsyth Street  
Atlanta, Georgia 30303  
404-562-9213  
pennamon.shanieka@epa.gov

"Ability is what you're capable of doing. Motivation determines what you do. Attitude determines how well you do it." - Raymond Chandler

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----- Forwarded by Shanieka Pennamon/R4/USEPA/US on 03/27/2012 08:23 AM -----

From: "Anderson, Esperanza (ENRD)" <Esperanza.Anderson@usdoj.gov>  
To: Shanieka Pennamon/R4/USEPA/US@EPA  
Date: 03/26/2012 02:29 PM  
Subject: RE: Call From TDEC's counsel re AGC's Construction Permit

Please give Katie F. a copy of the permit application and let her know that TDEC is interested on her thoughts on the below email. Let me know if she wishes to call TDEC and offer alternative language. Thanks Shanieka.

Esperanza Anderson  
Trial Attorney  
Environmental Enforcement Section  
Environment and Natural Resources Division  
United States Department of Justice  
email: esperanza.anderson@usdoj.gov  
Telephone (202) 514-4059

**From:** Shanieka Pennamon [<mailto:Pennamon.Shanieka@epamail.epa.gov>]  
**Sent:** Monday, March 26, 2012 2:27 PM

**To:** Anderson, Esperanza (ENRD)  
**Cc:** Katie McClintock; Keri Powell; Melanie Shepherdson  
**Subject:** Re: Call From TDEC's counsel re AGC's Construction Permit

That is correct. And because they are avoiding PSD, our permitting people wouldn't generally see it. But we can certainly have them take a look at the application and maybe talk to Katy Forney if they had questions on how to word certain things.

Shanieka Pennamon, P.E.  
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 61 Forsyth Street  
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☞ "Anderson, Esperanza (ENRD)" ---03/26/2012 01:51:30 PM---EPA, Phillip Hilliard, Assistant Attorney General for TN, called to give us a heads-u

From: "Anderson, Esperanza (ENRD)" <[Esperanza.Anderson@usdoj.gov](mailto:Esperanza.Anderson@usdoj.gov)>  
 To: Keri Powell/R4/USEPA/US@EPA, Shanieka Pennamon/R4/USEPA/US@EPA, Katie McClintock/R10/USEPA/US@EPA, Melanie Shepherdson/DC/USEPA/US@EPA  
 Date: 03/26/2012 01:51 PM  
 Subject: Call From TDEC's counsel re AGC's Construction Permit

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EPA,

Phillip Hilliard, Assistant Attorney General for TN, called to give us a heads-up. TDEC wishes to move forward in issuing AGC Flat Glass a construction permit for G-1 with permit limits as AGC requested in its application. They wanted EPA to know 1) that TDEC does not think this is violating any regulation and 2) that they are open to hearing from the appropriate person at EPA regarding any particular language that should be added to the construction permit. TDEC is currently considering adding language to the construction permit that states "nothing in this permit indicates that the State of Tennessee found AGC to be in compliance with PSD in the past."

I reiterated to Phillip again how enforcement EPA is different from permitting EPA. I also stated that I would update EPA (as a whole) with TDEC's stated approach.

My understanding from Keri is that EPA permitting normally does not get an opportunity to comment on construction permits. Is that right?

Esperanza Anderson  
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